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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,016	04/04/2000	Gudrun Vandeginste	PHN 17,395	5698

7590

03/31/2003

Corporate Patent Counsel
US Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

LO, LINUS H

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/31/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,016

Applicant(s)

VANDEGINSTE, GUDRUN

Examiner

Linus H Lo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 (All amended), and 7-20(All New) are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. '306 in view of Wagner '130 (New).

Considering claim 1, Miller et al. discloses an automatic luminance and contrast adjustment for display device. Miller et al. discloses the following limitations, note:

- a) the claimed apparatus for processing signals is met by apparatus as described in abstract and Fig. 4;
- b) the claimed parameter control means controlling parameters of said signals is met by microprocessor 18 and Fig. 5 as described at column 5, lines 21-66, where the step 10 of the processing step provides the controlling and adjustment of the parameter (luminance, contrast);
- c) the claimed parameter control means being adapted to cause adjustments to said parameters in response to current ambient factors or properties of said signal which is met by the description at column 5, lines 42-49 and Fig. 5, where the function step 7 demonstrates the adjustment is in response to the surrounding luminance.

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However, Miller et al. does not explicitly disclose the indicator means for presenting a level indicator which is indicative of said adjustments.

Nonetheless, Wagner discloses an anti-eye strain apparatus. Wagner discloses the claimed indicator means for presenting a level indicator which is indicative of said adjustments which is met by the auto brightness control feature in the Graphical Control Interface GUI (Fig. 7, column 9, lines 11-15, and column 7, lines 42-63), in which the Fig. 7 and description from column 9 describes an GUI having a brightness level indicator).

It is noted that such graphical interface as taught by Wagner which having the advantage to provide the viewer with graphical indicator regards to the adjustment of brightness level and subsequently renders the automatically control of the display brightness.

Therefore the examiner submits that it would have been obvious to one having ordinary skill in art at the time the invention was made to modify the system of Miller et al. with the teaching of Wagner for the stated advantage.

Considering claim 2, Miller et al. discloses the following limitations, note:

- a) *a control means* for setting a preferred parameter level to be input into said parameter control means as described by the memory 20 as described at column 5, lines 20-23, where the described default value of the parameters setting are considered as the preferred parameter level; and
- b) the claimed parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said current

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ambient factors or properties of said signal is met by the description of the function step 9 and 10 at column 5, lines 42-67 and Fig. 5, where S9 demonstrate the calculation for adjustment a based o the surrounding luminance (ambient factor) and the desired perceived luminance level $L(x)$ (preferred parameter level).

However, Miller et al. does not teach , note:

- i) the claimed user control means for setting a preferred parameter level; and
- ii) the claimed limitation of wherein said preferred parameter level is selected by a user from a plurality of parameter levels.

Nonetheless, Wagner discloses an anti-eye strain apparatus. Wagner discloses the followings , note:

- i) the claimed user control means for setting a preferred parameter level which is met by manual potentiometer 80 (column 12, lines 38-46 and column 9, lines 11-16, and Fig. 11); and
- ii) the claimed limitation of wherein said preferred parameter level is selected by a user from a plurality of parameter levels which is met by description at column 9, lines 11-16 and column 9, lines 49-52).

The examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to facilitate the teach of Wagner in the system the Miller et al. in order to provide an user friendlier approach for enabling an user selectively setting the display parameter, i.e. brightness, according to the viewer preference and automatically maintaining the selected level.

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Considering claims 3, 7, 12, and 14 , note :

- a) the claimed limitation of wherein said signals comprises video signals is met by the display devices of Miller as described at column 6, lines 59-62 where an video signal display encompasses the required video signal ;
- b) the claimed parameter comprises picture parameters which is met by the description of Miller at column 5, lines 20-23; and
- c) the claimed ambient factor comprises ambient light is met by the description of Miller at column 4, lines 38-4, where the surrounding luminance is considered as the ambient light.

Consider claims 4, 10, and 11, the reference of Miller et al. and Wagner disclose the claimed apparatus as discussed in claim 1, above. However, the combination of Miller et al. and Wagner does not disclose that a television receiver comprising an apparatus as in claims 1, 2 and 3, respectively.

Nevertheless, Miller et al. discloses that the system of Miller is applicable to different of types of display devices and may be readily employed in a variety of dives that utilize electronic imaging (column 6, lines 59-62). Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver .

The examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Wagner in a television receiver in order to facilitate the display parameter

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adjustment that responses to both manual changes and ambient (surrounding) factor dependent changes.

Considering claims 5-6, the claims are the method claims of the apparatus claims 1-2. The recited functional steps are inherently performed by their corresponding apparatus claims. Thus claims 5-6 are rejected for the same reason as set forth in the above obviousness rejection that is applied to the claims 1-2 respectively.

Considering claims 8 , 9, 13, and 15 , the claimed limitation of wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation which is met by the description of Miller at column 4, lines 38-41.

Considering claims 16, and 17, the system of Miller and Wagner discloses a method for processing signal as discussed in claims 5 and 6 above.

However, the combination of Miller et al. and Wagner does not disclose that a method of operating television receiver comprising a method as in claims 5, and 6. respectively.

Nevertheless, Miller et al. discloses that the system of Miller is applicable to different of types of display devices and may be readily employed in a variety of dives that utilize electronic imaging (column 6, lines 59-62). Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver .

The examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al.

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and Wagner as a method of operating television receiver in order to facilitate the display parameter adjustment that responses to both manual changes and ambient (surrounding) factor dependent changes.

Considering claims 18 and 20, note :

- d) the claimed limitation of wherein said signals comprises video signals is met by the display devices of Miller as described at column 6, lines 59-62 where an video signal display encompasses the required video signal ;
- e) the claimed parameter comprises picture parameters which is met by the description of Miller at column 5, lines 20-23; and
- f) the claimed ambient factor comprises ambient light is met by the description of Miller at column 4, lines 38-4, where the surrounding luminance is considered as the ambient light.

Considering claim 19, the claimed limitation of wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation which is met by the description of Miller at column 4, lines 38-41.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's Arguments

a. Applicant argues that the reference of Miller does not mention using user inputs of the type discloses in the Applicant's invention and has no element that is analogous to the Applicant's "user command unit 112." The reason for this is that the automatic system of the Miller apparatus has no need for user input. In fact, the Miller reference teaches away from using user input. Therefore, Miller is not a proper reference for the proposition that it would be obvious to combine user input with the Miller apparatus.

b. Applicant argues that the Jun reference does not teach, disclose or even hint at the use of ambient factors. Jun does not mention using sensors of the type in the Applicant's invention and has no element that is analogous to the Applicant's "sensor 113". The reason for this is that the Jun apparatus has no need of sensor input for ambient conditions.

c. Applicant argues that there is no teaching in Jun to suggest combining the Jun apparatus with an automatically operated system such as Miller apparatus. ... The Applicant respectfully submits that the supposed advantage of displaying information on a display screen so that a viewer can more easily see the information from far away is an insufficient teaching or suggestion to combine the Miller reference and the Jun reference where Miller reference

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teaches away from the concept of using user input and the Jun reference does not mention using ambient factors.

d. Applicant argues that claim 2 has been amended to claim an apparatus in which a user selects a preferred parameter level from a plurality of parameter levels. The Miller apparatus automatically selects only one parameter level for luminance and contrast. There is not user input in Miller to select a preferred parameter level from a plurality of parameter level from a plurality of parameter levels.

e. Applicant argues that claim 5 contain limitations that are analogous to the unique and novel limitations recited in claim 1. Thus, Claim 5 is patentable over the Miller reference and the Jun reference, either alone or in combination.

Examiner's Response

a. & d. Examiner disagrees, it is noted that Miller apparatus is an automatic system that does not use the user input control for adjusting the luminance and contrast control. However, Miller also does not present any negative indication that the apparatus can not be implemented in a manual controlled fashion. Nonetheless, the newly applied reference of Wagner which teaches that brightness control factors of a display is controlled through the central processing. The general level of brightness, range, time and pattern may be set depend upon ambient lighting conditions that is selected by **central processing unit or selected by the user** (automatic or manually control) (column 7, lines 31-54). Therefore the new secondary reference of Wagner

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teaches that it is known in the art that both the automatically or user manually controlled adjustment can be affective implemented without any operational incompatibility . Thus the applicant argument is not persuasive. Please see the above new ground of rejection.

b. & c. Applicant's arguments with respect to the teaching of the reference of Jun have been considered but are moot in view of the new ground(s) of rejection. Please see the above new ground of rejection.

e. Since applicant does not present any additional argument concerning the art rejection of claim 5. Thus no further response is necessary in view of the examiner response as presented in claim 1 above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linus H. Lo whose telephone number is (703) 305-4039.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

lhl *u*

March 24, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600